

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Code Enforcement Lien, Case # 04-43-CEB, Request for Reduction of Penalty – Deutsche Bank National Trust Company, current owners; Emma and Colin Burley, previous owners; 2455 E 21st St., Sanford

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dan Matthys **CONTACT:** April Boswell **EXT.** 7339

Agenda Date <u>06/27/06</u> Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

(A) Approve a reduction to the Code Enforcement Board lien from \$60,800.00 to **\$2,640.37** for processing Case # 04-43-CEB, and for Seminole County bringing the property into compliance, located at 2455 E 21st Street, Sanford - Deutsche Bank National Trust Company, current owners; and require these costs to be paid within 30 days or the lien will revert to its original amount (\$60,800.00) and upon payment in full, authorize the Chairman to execute the Satisfaction of Lien (Staff Recommendation); or

(B) Approve a reduction to the Code Enforcement Board lien which totals \$60,800.00 to an amount set by the Board of County Commissioners for processing Case # 04-43-CEB, on the property located at 2455 E 21st Street, Sanford - Deutsche Bank National Trust Company, current owners; and require this reduced amount to be paid within 30 days, or the lien will revert to its original amount (\$60,800.00) and upon payment in full, authorize the Chairman to execute the Satisfaction of Lien; or

(C) Deny a reduction to the Code Enforcement Board lien in the amount of \$60,800.00 on the property located at 2455 E 21st Street, Sanford, - Deutsche Bank National Trust Company, current owners; Case # 04-43-CEB, and require this amount to be paid within 30 days, and upon payment in full, authorize the Chairman to execute the Satisfaction of Lien.

District 5 – Commissioner Carey April Boswell – Assistant Planning Manager

BACKGROUND:

In response to a complaint, on June 16, 2003, the Code Enforcement Officer observed the following violation located at 2455 E 21st Street, Sanford: junk or abandoned vehicles not kept within an enclosed garage or an attached carport, in violation of Seminole County Code Section 95.4, as defined in Section 95.3 (l). The timeline on this violation is below:

Reviewed by:
Co Atty: <u>KET for SD</u>
DFS: _____
Other: _____
DCM: _____
CM: _____
File No. <u>rpdp02</u>

DATE	ACTION	RESULT
June 16, 2003 and September 5, 2003	Notices of Violation issued to Respondent.	Violation remains.
June 8, 2004	Statement of Violation and Request for Hearing.	Filed by Code Enforcement Officer.
June 9, 2004	Notice of Hearing mailed to Respondents.	United Postal Service tracking reported "unclaimed". Sent to address on record. Respondents were notified by the Post Office and did not accept the mail. Regular mail was not returned to the Clerk.
June 14, 2004	Posted Notice of Hearing	
June 24, 2004	Code Board Hearing – Findings of Fact, Conclusions of Law and Order.	Order entered by Code Enforcement Board giving a compliance date of July 12, 2004, with a fine of \$100.00 per day if violation is not corrected by July 12. The Respondents were not present at this hearing.
June 30, 2004	Findings of Fact, Conclusions of Law and Order mailed to the Respondents.	Certified mail returned marked "undeliverable". Sent to same address on record. Regular mail was not returned to the Clerk.
July 13, 2004	Re-inspection and Affidavit of Non-Compliance filed by the Code Enforcement Officer.	Violation remains.
August 3, 2004	Affidavit of Non-Compliance mailed to Respondents.	Certified mail returned marked "unclaimed". Sent to same address on record. Respondents were notified by the Post Office and did not accept the mail. Regular mail was not returned to the Clerk.
August 12, 2004	Notice of Lien Hearing mailed to the Respondents.	Notice received and signed for by M. Moore on August 13, 2004. Sent to same address on record.
August 26, 2004	Code Board Hearing – Order Finding Non-Compliance and Imposing Fine/Lien	Order entered by Code Enforcement Board imposing a lien for \$4,400.00 for 44 days of non-compliance and the fine continues to accrue at \$100.00 per day until compliance is obtained. The Respondents were not present at this hearing.
August 30, 2004	Order Finding Non-Compliance and Imposing Fine/Lien mailed to Respondents.	Order received and signed for by Melissa Burley on August 31, 2004. Sent to same address on record.
April 11, 2006	Re-inspection and Affidavit of Compliance filed by the Code Enforcement Officer.	Violation corrected by Seminole County March 13, 2006 by having the vehicle towed from the property.
April 12, 2006	Affidavit of Compliance mailed to Respondents and to Deutsche Bank National Trust who received Certificate of Title on March 6, 2006	Affidavit signed for and received by Deutsche Bank National Trust on April 17, 2006. Certified mail to Respondents returned marked "Not Deliverable". Sent to same address on record.
June 2, 2006	Request for Reduction of Penalty received from Attorney for Deutsche Bank National Trust	*Lawrence Shendell, Attorney at Law. See below.

¹Lawrence Shendell, Attorney At Law, is representing Deutsche Bank National Trust, current owners of this property. Mr. Shendell is requesting that the lien imposed against the property on August 26, 2004 be reduced to \$961.84, stating that a foreclosure action against the previous owners, Emma and Colin Burley, was filed. Mr. Shendell further claims that, having received proper service, Seminole County did not file a counterclaim asserting priority over the interest of the mortgage holder, Deutsche Bank National Trust. A Summary Final Judgment for Foreclosure was entered on behalf of Deutsche Bank National Trust on January 19, 2006 and a Certificate of Title was filed by the Clerk's office on March 6, 2006.

The Board considers the individual facts of each case when determining whether to reduce a lien. In addition, the Board adopted the following guidelines on February 9, 1999 to use when considering lien reductions:

1. If an individual has acquired a property in which the lien was recorded and the individual bought the property with this knowledge, a waiver or reduction in lien should not be granted. In such cases, the lien should have been considered in reaching a purchase price.
2. If a lien is not considered when a title insurance policy is issued, a reduction of the lien to provide relief to a title insurer should not be granted. To do so would place the County in the position indemnifying an insurance company against its losses, which are reflected in premium charges.
3. If a lien has previously been reduced, and another request is received for a lien reduction, whether from the original property owner or new owner, a reduction or waiver should not be granted. If the BCC grants relief to a violator, its action should be final and conclusive.
4. When considering a request and in developing a recommendation to the BCC, staff should evaluate the amount of the lien compared to the value of the property and the actions the violator did or did not take in attempting to resolve the code violation. Per the Property Appraiser information, the assessed value of the property is **\$66,182.00**. The lien totals **\$60,800.00**.
5. When liens are satisfied as a result of either full payment or reduced/eliminated payment as directed by the BCC, the lien satisfaction instrument will be provided to the property owner who shall be responsible for recording the instrument in the land records.

STAFF RECOMMENDATION:

Staff recommends, pursuant to the letter dated May 24, 2006 from the Seminole County Attorney's Office to William W. Austin, President of Austin Development and Realty Company, and Planning staff administrative processing costs, that the Board approve a reduction of the lien in the amount of \$60,800.00 to **\$2,640.37**, which represents \$640.37, the costs Seminole County incurred to tow the nuisance vehicle from the property and staff administrative processing costs, and \$2,000.00 for 20 days of non-compliance at \$100.00 per day, from February 21, 2006 (the date the Clerk issued the Certificate of Sale) through March 13, 2006, (the date compliance was obtained), on the property located at 2455 E 21st Street, Sanford, based on the following fact:

The property remained in non-compliance for 20 days following the sale of the property to Deutsche Bank National Trust Company. Seminole County brought this property into compliance and incurred the expenses mentioned above to do so. The property remained in non-compliance for 600 days while owned by the previous owners, Emma and Colin Burley.

Staff further recommends that this amount, **\$2,640.37**, be paid within 30 days and upon payment in full; authorize the Chairman to execute the Satisfaction of Lien.

Attachments: Findings of Fact, Conclusions of Law and Order (6/24/04)
Affidavit of Non-Compliance (7/26/04)
Order Finding Non-Compliance and Imposing Fine/Lien (8/26/04)
Affidavit of Compliance (4/11/06)
Request for Reduction of Penalty (6/2/06)
Summary Final Judgment for Foreclosure (recorded 1/20/06)
Certificate of Title (3/6/06)
Civil Case Progress Docket (3/23/06)
Property Appraiser Database Information
Estimated Costs for processing Case # 04-43-CEB (Planning Division and SCSO combined)
Estimated Costs for processing Case # 04-43-CEB (SCSO)
Letter to William W. Austin from Seminole County Attorney's Office (5/24/06)

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political
subdivision of the State of Florida,

CASE NO. 04-43-CEB

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50

Petitioner,

vs.

EMMA J. & COLIN BURLEY
PARCEL I.D. # 32-19-31-507-0100-0060

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 05369 PGS 0376-0377
CLERK'S # 2004103991
RECORDED 07/01/2004 03:33:49 PM
RECORDING FEES 18.50
RECORDED BY J Eckenroth

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 04-43-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 32-19-31-507-0100-0060) located at 2455 E 21st Street, Sanford, located in Seminole County and legally described as follows:
LEG LOT 6 + E 25 FT OF LOT 5 BLK 1 DIXIE
TERRACE 1ST ADD, PB 10, PG 29
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(l).

It is hereby ordered that the Respondents correct the violation on or before July 12, 2004. In order to correct the violation, the Respondents shall take the following remedial action:

- 1) REPAIR OR REMOVE ANY VEHICLE THAT CANNOT OPERATE LEGALLY ON THE PUBLIC ROAD RIGHT-OF-WAY, IF IT WERE PROPERLY LICENSED, OR PLACE VEHICLE IN AN ATTACHED CARPORT OR ENCLOSED GARAGE.

If the Respondents do not comply with the Order, a fine of \$100⁰⁰ per day will be imposed for each day the violation continues, or is repeated after compliance past July 12, 2004. The Respondent is further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer inspects the property and verifies compliance with this Order.

04-43-CEB
EMMA J. & COLIN BURLEY

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 24th day of June, 2004, in Seminole County, Florida.

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA



TOM HAGOOD, CHAIRMAN

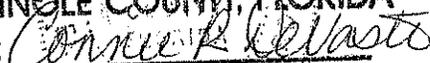
STATE OF FLORIDA)
COUNTY OF SEMINOLE)

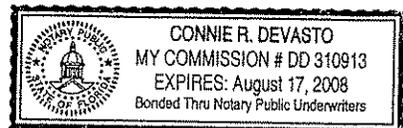
The foregoing instrument was acknowledged before me this 24th day of June, 2004, by Tom Hagood, who is personally known to me.



Connie R. DeVasto

Notary Public to and for the
County and State aforementioned.
My Commission Expires

CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA
By: 
Date: 6/30/04



CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political
subdivision of the State of
Florida,

Petitioner,

vs.

EMMA J & COLIN BURLEY

Respondent.

CASE NO: 04-43-CEB

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 05416 PG 1807
CLERK'S # 2004126200
RECORDED 08/10/2004 10:49:21 AM
RECORDING FEES 10.00
RECORDED BY G Harford

AFFIDAVIT OF NON-COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared **Pamela Taylor** Code Enforcement Officer for **Seminole County Sheriff's Office**, who after being duly sworn, deposes and says:

1. That on **June 24, 2004**, the Board held a public hearing and issued its Order in the above-styled matter.
2. That, pursuant to said Order, Respondent was to have taken certain corrective action by or before **July 12, 2004**.
3. That a re-inspection was performed on **July 13, 2004**.
4. That the re-inspection revealed that the corrective action ordered by the Board has not been taken in that **the junk vehicle is still on the property, not within an enclosed garage or attached carport.**

FURTHER AFFIANT SAYETH NOT.

DATED this 26th day of July, 2004

Pamela Taylor
Pamela Taylor Code Enforcement Officer

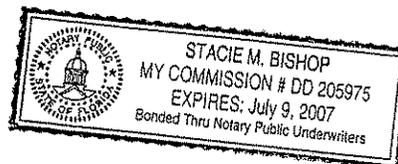
STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 26th day of July 2004, by Pamela Taylor who is personally known to me and who did take an oath.

Stacie Bishop
Notary Public in and for the County
and State Aforementioned

AFFNON.COM
CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

By: Connie R. Keelast
Date: 8-3-04



The Respondents must contact the Code Enforcement Officer to arrange for an inspection of the property to verify compliance. The fine imposed shall continue until such time as the Code Enforcement Officer inspects the property and establishes the date of compliance.

This Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondents.

DONE AND ORDERED this 26th day of August, 2004, in Seminole County, Florida.

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

[Handwritten Signature]
TOM HAGOOD, CHAIR

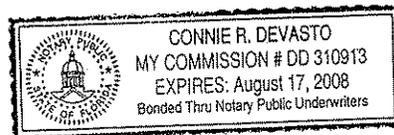
STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 26th day of August, 2004, by Tom Hagood, who is personally known to me.

[Handwritten Signature]

Connie R. DeVasto
Notary Public to and for the
County and State aforementioned.
My Commission Expires

CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA
By: *[Handwritten Signature]*
Date: *8-30-04*



SEMINOLE COUNTY
CODE ENFORCEMENT BOARD
CASE NO. 04-43CEB

REQUEST FOR REDUCTION OF PENALTY

BY COMPLETING THIS FORM, YOU ARE MAKING STATEMENTS UNDER OATH

INSTRUCTIONS: Please fill in both sides of this form completely. Be specific when writing your statement. Please return this form to the Clerk to the Code Enforcement Board. The REQUEST FOR REDUCTION OF PENALTY will then be presented to the Board of County Commissioners at their next regularly-scheduled hearing, or as soon thereafter as possible, and you will be notified in writing of the Board's decision within 10 days after the hearing. If you are claiming medical or financial hardship, attach supporting documentation (i.e., a doctor's statement or proof of income). If you have any questions, please call the Clerk at (407) 665-7403.

Property Owner's Name: DEUTSCHE BANK NATIONAL TRUST COMPANY, A TRUSTEE

Property Address: 2455 E. 21 ST.
SANFORD, FL 32771

Phone number(s) where you can be reached during the day: 954-781-3747

Is the property now in compliance? YES NO
(If No, explain in detail) _____

Are you claiming a financial hardship? YES _____ NO

Are you claiming a medical hardship? YES _____ NO

If the property owner is unable to complete this form, list the name of the person who is legally authorized to act for the property owner and his/her relationship to the property owner:

Name: LAWRENCE SHENDALL

Relationship: ATTORNEY FOR OWNER

RETURN COMPLETED, SIGNED AND NOTARIZED FORM TO:
CLERK, SEMINOLE COUNTY CODE ENFORCEMENT
1101 EAST FIRST STREET, SANFORD, FLORIDA 32771-1468

04-43 CEB

I, _____, do hereby submit this REQUEST FOR REDUCTION OF PENALTY to request a reduction in the total amount of penalty imposed and in support offer the following statement:

* see attached

Date: _____

Signed: _____

Print Name: _____

STATE OF FLORIDA
COUNTY OF SEMINOLE

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, _____, who after first being duly sworn, acknowledged before me that the information contained herein is true and correct. He/she is not personally known to me and has produced _____ as identification and did take an oath.

Date: _____

Notary Public
My commission expires: _____

RETURN COMPLETED, SIGNED AND NOTARIZED FORM TO:
CLERK, SEMINOLE COUNTY CODE ENFORCEMENT
1101 EAST FIRST STREET, SANFORD, FLORIDA 32771-1489

I LAWRENCE SHENDELL, do hereby submit this **REQUEST FOR REDUCTION OF PENALTY** to request a reduction in the total amount of penalty imposed and in support offer the following statement:

- Deutsche Bank National Trust Company, as Trustee of Ameriquest Mortgage Securities Inc. holder of the first mortgage on the property filed a foreclosure action against Colon Burley, Emma Jean Burley and Seminole County.
- On November 17, 2005 a Lis Pendens was filed.
- On November 23, 2005, after being properly served with process, Seminole County filed an Answer. Seminole County did not file a counterclaim or defenses asserting priority over the interest of the Plaintiff, the first mortgage holder.
- On January 19, 2006 a Summary Final Judgment for Foreclosure was entered.
- On March 6, 2006 the Clerk of Court filed its Certificate of Title.

Pursuant to the laws for the State of Florida, the County's lien has been foreclosed out and is no longer a lien on the subject property. Therefore, no monies are due. In the alternative, Deutsche Bank National Trust Company agrees to pay \$161.84 for costs and \$100.00 per day for 8 days from the Clerk issuing of the Certificate of Title on March 6, 2006 until Compliance on March 13, 2006 for a total of \$961.84.

Thank you for your time and cooperation in this matter.

Date: 6/2/06

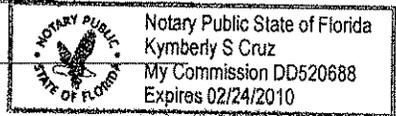
Signed: Lawrence Shendell
Print Name: LAWRENCE SHENDELL

STATE OF FLORIDA
COUNTY OF BROWARD

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, LAWRENCE SHENDELL, who after first being duly sworn, acknowledged before me that the information contained herein is true and correct. He/She is ~~not~~ personally known to me and has produced _____ as identification and did take oath.

Date: 6-2-06

Kyberly S Cruz
Notary Public
My Commission expires: _____



IN THE CIRCUIT COURT IN AND
FOR SEMINOLE COUNTY, FLORIDA

CASE NO: 05-CA-2330-14-K

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE OF AMERIQUEST
MORTGAGE SECURITIES INC., ASSET
BACKED PASS-THROUGH CERTIFICATES,
SERIES 2003-11 UNDER THE POOLING &
SERVICING AGREEMENT DATED AS OF
NOVEMBER 1, 2003, WITHOUT RECOURSE

Plaintiff,

vs.

COLLON BURLEY A/K/A CALLON BURLEY
A/K/A COLIN BURLEY; EMMA JEAN
BURLEY; SEMINOLE COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF FLORIDA,
and any unknown heirs, devisees, grantees,
creditors, and other unknown persons or unknown
spouses claiming by, through and under any of the
above-named Defendants,

Defendants.



FILED IN OFFICE
MARYANNE MORSE
CLERK CIRCUIT COURT
06 JAN 19 PM 3:12
SEMINOLE CO., FL

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 06090 PGS 0453-0458
CLERK'S # 2006010617
RECORDED 01/20/2006 03:58:24 PM
RECORDING FEES 0.00
RECORDED BY 6 Hartford

SUMMARY FINAL JUDGMENT FOR FORECLOSURE

THIS ACTION came before the Court on Plaintiff's Motion for Summary Final Judgment and the Court, based upon the state of the record at the time of the hearing, finds that there is no material issue of fact or law and grants plaintiff's motion. It is therefore

ORDERED AND ADJUDGED:

1. JURISDICTION OVER THE PARTIES AND SUBJECT MATTER:

This Court has jurisdiction over foreclosure cases pursuant to Florida Statutes. Service of process has been secured upon all Defendants.

2. THE DEBT AND ITS VALIDITY:

Plaintiff holds a lien for the total sum in this Final Judgment which is superior, prior and paramount to the right, title, interest, claims, liens, encumbrances and equities of the following Defendants: COLLON BURLEY A/K/A CALLON BURLEY A/K/A COLIN BURLEY; EMMA JEAN BURLEY; SEMINOLE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, and any unknown heirs, devisees, grantees, creditors, and other unknown persons or unknown spouses claiming by, through and under any of the above-named Defendants, and all persons claiming any interest since the filing of the Lis Pendens on the following real property:

22
A3

Collin Burley a/k/a Callion Burley a/k/a Colin Burley
2455 E 21st Street
Sanford, FL 32771

Emma Jean Burley
2455 E 21st Street
Sanford, FL 32771

Susan E. Dietrich, Esquire
1101 East First Street
Sanford, FL 32771
Attorney for defendant Seminole County, a Political Subdivision of the State of Florida

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 05146 Pg 0623 - 624 (2 pgs)
CLERK'S # 2006035629
R/11/11/03 02/06/2006 11:05:42 AM
CASE NO: 05-CA-2330-14-K
RECORDING FEES 0.00
RECORDED BY 1 101020

IN THE CIRCUIT COURT IN AND FOR
SEMINOLE COUNTY, FLORIDA
CASE NO: 05-CA-2330-14-K

DEUTSCHE BANK NATIONAL TRUST COMPANY,
AS TRUSTEE OF AMERIQUEST MORTGAGE
SECURITIES INC., ASSET BACKED PASS-
THROUGH CERTIFICATES, SERIES 2003-11
UNDER THE POOLING & SERVICING
AGREEMENT DATED AS OF NOVEMBER 1, 2003,
WITHOUT RECOURSE

Plaintiff,

vs.

COLLON BURLEY A/K/A CALLON BURLEY A/K/A
COLIN BURLEY; EMMA JEAN BURLEY;
SEMINOLE COUNTY, A POLITICAL SUBDIVISION
OF THE STATE OF FLORIDA, and any unknown
heirs, devisees, grantees, creditors, and other unknown
persons or unknown spouses claiming by, through and
under any of the above-named Defendants,

Defendants,

FILED IN OFFICE
MARYANNE MORSE
CLERK CIRCUIT COURT
05 MAR -6 AM 9:39
SEMINOLE CO., FL

CERTIFICATE OF TITLE

The undersigned Clerk of the Court certifies that he executed and filed a Certificate of Sale in this action on 2/21/2006 11:00:00 AM, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Seminole County, Florida:

Lot 6 and the East 25 Feet of Lot 5, Block I, FIRST ADDITION, DIXIE
TERRACE, according to the plat thereof as recorded in Plat Book 10, Page 29,
Public Records of Seminole County, Florida.

was sold to and the Certificate of Title is hereby issued to DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE OF AMERIQUEST MORTGAGE SECURITIES INC., ASSET BACKED
PASS-THROUGH CERTIFICATES, SERIES 2003-11 UNDER THE POOLING & SERVICING
AGREEMENT DATED AS OF NOVEMBER 1, 2003, WITHOUT RECOURSE, 505 City Parkway West
Orange, CA, 92868.

WITNESS my hand and the seal of the Court this 21st day of March, 2006.

Maryanne Morse

CLERK OF THE CIRCUIT COURT

Attn: Circuit Civil

P. O. Box 8099

Sanford, Florida 32772

By: Mary Stoupe
Deputy Clerk

B&H # 230958

CIT ISSUED
by clerk

IN THE CIRCUIT/COUNTY COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY FLORIDA

Run: 03/23/2006

(cvprtcpd)
Page: 2

Case Number: 05-CA-002330-14M-K

C I V I L C A S E P R O G R E S S D O C K E T

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Number      Date      Docket Description
=====
 14.0  12/22/2005  NOTICE OF FILING ORIGINAL NOTE & MORTGAGE (ATTACHED)
          12/22/2005  FILED BY PLTF DEUTSCHE BANK NATIONAL TRUST CO
 15.0  12/23/2005  MOTION FOR FINAL JUDGMENT INCLUDING A HRG TO TAX ATTY'S
          12/23/2005  FEES & COSTS BY PLTFS
 16.0  12/23/2005  NOTICE OF HEARING 1/19/06 AT 1:30PM NELSON
 17.0  12/29/2005  AFFIDAVIT OF ATTORNEYS FEES BY BRIAN C HOGAN
 18.0  12/30/2005  AFFIDAVIT OF NON MILITARY SERVICE DEFT COLLON BURLEY &
          12/30/2005  EMMA JEAN BURLEY
 19.0  12/30/2005  MOTION FOR DEFAULT AGST DEFT COLLON BURLEY AKA CALLON
          12/30/2005  BURLEY AKA COLIN BURLEY & EMMA JEAN BURLEY
 20.0  01/03/2006  DEFAULT ENTERED 1/03/06 AGST DEFT COLLON BURLEY AKA
          01/03/2006  COLLON BURLEY AKA BURLEY & EMMA JEAN BURLEY
 21.0  01/11/2006  AFFIDAVIT OF COSTS & ATTY ADVANCES BY SHAWN L DEMERS
          01/11/2006  OBO PLTF DEUTSCHE BANK NATIONAL TRUST CO
 22.0  01/19/2006  SUMMARY FINAL JUDGMENT $72,689.12; 1-19-06; NELSON
 23.0  01/19/2006  FINAL DISPOSITION FORM
 24.0  01/19/2006  NOTICE OF SALE 02/21/2006
 25.0  02/21/2006  CERTIFICATE OF SALE $100.00; #3807; PLTF/W/ATTACHED
          02/21/2006  PROOF OF PUBLICATION
 26.0  02/21/2006  SCHEDULE OF BIDS FILE BACK 3-6-06
 27.0  03/06/2006  CERTIFICATE OF TITLE PLTF
          OR Book: 6146 OR Page: 0623-0624
 28.0  03/06/2006  CERTIFICATE OF DISBURSEMENT NONE
          03/06/2006  CASE CLOSED/TO BE PURGED
 29.0  03/14/2006  NOTICE OF APPEARANCE FOR POST-SALE MATTER ONLY
          03/14/2006  BY ANNE M MALLEY OF GOLSON LAW FIRM OBO PLTF
          03/14/2006  PLF DEUTSCHE BANK NATIONAL TRUST CO ADD ATTY ANNE M
          03/14/2006  MALLEY
          03/14/2006  WRIT OF POSSESSION ISSUED "SCSO"
          03/14/2006  2455 EAST 21ST ST SANFORD, FL 32771
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** End of Report **

IN THE CIRCUIT/COUNTY COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY FLORIDA

Case: 05-CA-002330-14M-K
Run: 03/23/2006

(cvprtcpd)
Page: 1

DEUTSCHE BANK NATIONAL TRUST CO
Plaintiff, etal

HENKE, LORA L
Attorney

-vs-

BURLEY, COLON AKA
Defendant, etal

Attorney

Case Type: FORECLOSURE/MORTGAGE
File Date: 11/18/2005
Judge: K NELSON, DEBRA STEINBERG

Disp Date: 01/19/2006
Case Consolidated: N

Additional Parties & Attorneys
(P) AMERIQUEST MTG SECURITIES INC HENKE, LORA L
(D) BURLEY, CALLON AKA
(D) BURLEY, COLIN
(D) BURLEY, EMMA JEAN
(D) SEMINOLE COUNTY DIETRICH, SUSAN ELLEN

CIVIL CASE PROGRESS DOCKET

Number	Date	Docket Description
1.0	11/18/2005	COMPLAINT FILED
	11/18/2005	RECEIPT: #1575 AMOUNT: \$255.00
2.0	11/18/2005	CIVIL COVER SHEET
3.0	11/18/2005	LIS PENDENS R#1575 \$10.00
	11/18/2005	SUMMONS ISSUED * * 30 DAY * * COLON BURLEY AKA CALLON
	11/18/2005	BURLEY AAK COLIN BURLEY/EB
	11/18/2005	SUMMONS ISSUED * * 30 DAY * * EMMA JEAN BURLEY/EB
	11/18/2005	SUMMONS ISSUED UNKNOWN TENANT I/EB
	11/18/2005	SUMMONS ISSUED UNKNOWN TENANT II/EB
	11/18/2005	SUMMONS ISSUED SEMINOLE COUNTY/EB
4.0	11/22/2005	SUMMONS RETURNED SERVED * * 30 DAY ** COLON BURLEY AKA
	11/22/2005	CALLON BURLEY AKA COLIN BURLEY 11/18/05
5.0	11/22/2005	SUMMONS RETURNED UNSERVED UNK TENANT I
6.0	11/22/2005	SUMMONS RETURNED UNSERVED UNK TENANT II
7.0	11/22/2005	SUMMONS RETURNED SERVED * * 30 DAY ** EMMA JEAN BURLEY
	11/22/2005	11/19/05
8.0	11/23/2005	ANSWER FILED BY DEFT SEMINOLE COUNTY
9.0	11/29/2005	SUMMONS RETURNED SERVED SEMINOLE COUNTY; 11-21-05
10.0	12/22/2005	NOTICE OF DROPPING PARTY DEFT, UNK TENANT I & II W/O
	12/22/2005	PREJ
11.0	12/22/2005	AFFIDAVIT OF COSTS & ATTY ADVANCES LORA LEA HENKE OBO
	12/22/2005	PLTF DEUTSCHE BANK NATIONAL TRUST CO
12.0	12/22/2005	AFFIDAVIT OF INDEBTEDNESS NANJI JIMENEZ OBO PLTF
	12/22/2005	DEUTSCHE BANK NATIONAL TRUST CO
13.0	12/22/2005	AFFIDAVIT OF TIME SPENT LORA LEA HENKE OBO PLTF
	12/22/2005	DEUTSCHE BANK NATIONAL TRUST CO

<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																																			
<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 32-19-31-507-0100-0060</p> <p>Owner: DEUTSCHE BANK NATIONAL TRUST</p> <p>Own/Addr: CO TRUSTEE FBO</p> <p>Mailing Address: 505 CITY PARKWAY W</p> <p>City,State,ZipCode: ORANGE CA 92868</p> <p>Property Address: 2455 21ST ST E SANFORD 32771</p> <p>Subdivision Name: DIXIE TERRACE 1ST ADD</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p style="padding-left: 20px;">Dor: 01-SINGLE FAMILY</p>	<p style="text-align: center;">2006 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$58,494</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$7,688</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$66,182</p> <p>Assessed Value (SOH): \$66,182</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$66,182</p> <p>Tax Estimator</p>																																																		
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>CERTIFICATE OF TITLE</td> <td>03/2006</td> <td>06146</td> <td>0623</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>10/2003</td> <td>05110</td> <td>1350</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1991</td> <td>02262</td> <td>0912</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>05/1984</td> <td>01548</td> <td>1075</td> <td>\$100</td> <td>Improved</td> <td>No</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	CERTIFICATE OF TITLE	03/2006	06146	0623	\$100	Improved	No	QUIT CLAIM DEED	10/2003	05110	1350	\$100	Improved	No	WARRANTY DEED	01/1991	02262	0912	\$100	Improved	No	WARRANTY DEED	05/1984	01548	1075	\$100	Improved	No	<p style="text-align: center;">2005 VALUE SUMMARY</p> <p>2005 Tax Bill Amount: \$822</p> <p>2005 Taxable Value: \$50,194</p> <p>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>															
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Estimate of Costs
CEB Case # 04-43-CEB
DEUTSCHE BANK NATIONAL TRUST, NEW OWNERS
EMMA AND COLIN BURLEY, PREVIOUS OWNERS

<u>Postage</u>			
Regular	9	\$.39	\$ 3.51
Certified	9	\$ 4.64	\$41.76
			\$45.27
<u>Processing Time for Code Enforcement and BCC Action</u>			
Code Board Secretary	2 hours	\$ 13.13	\$26.26
Code Board Attorney	1 hour	\$100.00	
Planning Manager's Review	1 hour	\$ 40.00	
Planning and Development Director's Review	1 hour	\$ 50.00	
Deputy County Manager's Review	1 hour	\$ 60.00	
County Attorney's Review	1 hour	\$100.00	
			\$376.26
Other associated costs not captured:			
Fleet expense, Phone expense, Utilities, Computer Support			
Costs for Recording Documents -			
# of first page docs - 4 # of additional page docs - 2			\$57.00
(\$10.00 first page, \$8.50 each additional page)			
<u>ESTIMATED COST FOR PROCESSING CASE # 04-43 -CEB</u> <u>By the Planning Division</u>			\$478.53
<u>ESTIMATED COST FOR PROCESSING CASE # 04-43 -CEB</u> <u>By the Seminole County Sheriff's Office</u>			\$161.84
<u>TOTAL COST FOR PROCESSING CASE # 04-43- CEB</u>			\$640.37

SEMINOLE COUNTY SHERIFF'S OFFICE
Affidavit For Reimbursement of Code Enforcement Officers Administrative Costs
Case No.04-43-CEB Emma & Colin Burley

The Seminole County Sheriff's Office requests that the Department of Planning and Development petition the Board of County Commission to enter an order requiring the Respondent in the above-styled case to pay the costs of investigation incurred by this office during the investigation and presentation of said case. The below items detail the activities and associated costs for investigating this case.

Code Enforcement Officer: Pamela Taylor

	Inspections made: 06/03/03; 08/15/03; 12/16/03; 04/28/04; 06/08/04; 07/13/04; 02/27/06; 03/13/06; and 4/12/06	4.5
06/16/03 & 09/05/03	Letters mailed to respondent	1.0
06/24/04 & 08/26/04	Code Enforcement Boards Hearings	2.0
03/13/06	Vehicle towed by Sanford Towing	.5
TOTAL HOURS		8
		x \$20.23
TOTAL PERSONNEL COSTS		\$ 161.84

1.		
2.		
3.		
4.		
TOTAL TANGIBLE AND/OR SERVICE COSTS		\$ 00

The Seminole County Sheriff's Office has incurred actual costs in the amount of **\$ 161.84** during the investigation and prosecution of the defendant in this case. Said costs are supported and documented as listed above. Personnel costs are calculated at a rate of \$20.23 per hour, as determined by the Financial Services Section of the Seminole County Sheriff's Office. Tangible goods and contractual services are indicated as required and at a direct cost to the Office.

Signature of Code Enforcement Officer: Pamela Taylor Date: June 20, 2006

Attested to this 20th day of June, 2006, by Pamela Taylor
 Code Enforcement Officer

SEMINOLE COUNTY ATTORNEY'S OFFICE

1101 EAST FIRST STREET • SANFORD • FLORIDA 32771-1468 • TELEPHONE (407) 665-7254 • FAX (407) 665-7259

May 24, 2006

William W. Austin, President
Austin Development & Realty Co.
P.O. Box 916671
Longwood, Florida 32750

05-26-06A10:44 RC:0

Re: Deutsche Bank National Trust Co., et al. vs, Collon Burley, et al.
Case No. 05-CA-2330-14-K; Case No. 04-43-CEB

Dear Mr. Austin:

Thank you for your recent telephone call concerning the captioned mortgage foreclosure proceedings and code enforcement matters.

As promised, I contacted the Seminole County Code Enforcement Officer responsible for this case to obtain the costs incurred by Seminole County to bring the subject property into compliance with the Seminole County Code. Accordingly, the sum of \$2,161.84 is due and owing Seminole County as payment for the costs to remedy the code enforcement violations and bring the property into compliance. That amount includes the following: \$161.84 costs to tow the nuisance vehicle from the property and staff salary costs to inspect the property site; and \$ 2,000.00 for lien accrual costs (\$100.00 per day for 20 days; from 2/21/06 to 3/13/06) for a total of \$2,161.84.

I am providing for your reference a copy of the Affidavit of Compliance by Seminole County Code Enforcement Officer Pam Taylor, dated April 11, 2006, filed in the foregoing action.

Inasmuch as you are not a party in interest, however, you are not permitted to request from the Seminole Board of County Commissioners a reduction or waiver of the costs owed Seminole County. The current owner of the property, Deutsche Bank National Trust Co., may file such a request with the Board of County Commissioners. To do so, the owner must contact Valleta T. Ginyard-Fossitt, Clerk to the Seminole County Code Enforcement Board, to request the appropriate forms to complete for an opportunity to be heard by the Board of County Commissioners at its next available meeting. Meetings are held twice a month at the County Commission Chambers in Sanford, Florida.

Please contact me if I may be of further assistance.

Sincerely,

W SUSAN E. DIETRICH

Susan E. Dietrich
Assistant County Attorney

/SED

cc: Valleta T. Ginyard-Fossitt, Clerk to the Seminole County Code Enforcement Board
Pam Taylor, Seminole County Code Enforcement Board Officer for SCSO

Attachment: Affidavit of Compliance dated April 11, 2006

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